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Letter dated 26 February 2002 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the following document issued on 18 February 2002 by the European Union, containing the conclusions of the General Affairs Council, Western Balkans, Brussels, 18 February 2002 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Permanent Representative of Spain to the United Nations

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Annex to the letter dated 26 February 2002 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

[Original: English]

WESTERN BALKANS

– ***INTERNATIONAL POLICE TASK FORCE (IPTF) FOLLOW-ON - Council conclusions***

"1. Recalling its conclusions of 28 January 2002, the Council announced the EU's readiness to ensure, by the 1st of January 2003, the follow-on to the United Nations International Police Task Force (IPTF) in Bosnia and Herzegovina (BiH). In order to ensure a successful follow-up to the UN IPTF, the EU's aim would be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The EU Police Mission (EUPM), supported by the European Community's institution building programmes, would contribute to the overall peace implementation in Bosnia and Herzegovina as well as to the achievements of the EU overall's policy in the region, notably the Stabilisation and Association Process.

2. In line with the general objectives of Annex 11 of the Dayton Agreement, the mission would establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, should achieve its goals by the end of 2005.

3. Recalling that the EU sees the future of BiH lying in integration into the European structures, the Council expressed its willingness to appoint as the EU Special Representative in BiH (EUSR) the next High Representative in BiH. He would maintain an overview of the whole range of activities in the field of the Rule of Law, and in that context provide advice to the Secretary General/High Representative (SG/HR) and the Commission as necessary. The PSC would exercise the political control of and provide strategic direction to the mission.

4. The Council stressed the importance of a seamless transition between the UNIPTF and the EUPM, and, in this respect, underlined the central role of the Police Commissioner to be designated.

5. The Council invited the Presidency, assisted by the SG/HR, to inform the international community of the EU's readiness to establish the EUPM, and to continue to co-ordinate with the UN and to consult with relevant organisations, in particular NATO and the OSCE.

6. Appropriate contacts with the Government of Bosnia-Herzegovina and the relevant authorities will be established.

7. The financing of the EUPM is set out in Annex IV.

8. Acknowledging the valuable contributions other States have made to UNIPTF, the Council agreed to invite, in the first instance, the non-EU European NATO members and other States which are candidates for accession to the EU, as well as other non-EU OSCE Member States currently contributing to IPTF, to make offers of contributions, in due course, for the EUPM. In order to ensure necessary consultation, the Council invited the PSC to hold meetings, as soon as possible, with these potential contributors, in accordance with the procedures set out in the relevant annex.

9. The mission statement, the chain of command, the co-ordination and financing arrangements, as well as the modalities for third States contributions to the EUPM are described in the annexes attached to these conclusions.

10. The Council invited its competent bodies to continue work on the EUPM and to prepare the necessary legal instruments in view of its meeting of 11 March 2002."

ANNEX I

EU POLICE MISSION IN BIH : MISSION STATEMENT

The following outlines the Mission Statement for the EU Police Mission (EUPM) that will follow-on UN IPTF as a part of the EU overall support to the Rule of Law sector in BiH.

I. Political/Strategic level

1. The proposed mission statement for a possible police operation would include:

2. The EU Police mission (EUPM), supported by the European Commission's institution building programmes, should, as part of a broader rule of law approach, aim, in line with the general objectives of Annex 11 of the Dayton Agreement, to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice, and thereby raising current BiH police standards. To do so, this three-year EUPM should be entrusted with the necessary authority and concentrate on the following goals:

   - to preserve, through continuity with the achievements of the IPTF mission, the existing levels of institutional and personal proficiency;
   - to enhance, through monitoring, mentoring and inspecting, police managerial and operational capacities; to this end, to focus on delegation of power and quality-oriented management principles as well as improving operational planning capacity based on analysis;
   - to strengthen professionalism at high level within the ministries as well as at senior police officers levels through advisory and inspection functions;
   - and to monitor the exercise of appropriate political control over the police.

3. The mission will not include executive powers or the deployment of an armed component.

II. Objectives at operational level:

4. The EUPM, entrusted with the necessary authority to monitor, mentor and inspect, and working as an integral part of the broader rule of law approach, should achieve the goals set out above by the end of 2005, by ensuring that the BiH police services will:

   - Act in a professional manner and in accordance with relevant legislation and regulations
   - Be free of political interference, and led by an apolitical, qualified and accountable personnel
   - Possess the integrity, knowledge and means to perform their duties in a transparent and objective manner
   - At ministries and senior police officers level adopt a professional culture based on a fair, transparent and accountable internal management system including the exercise of internal controls and disciplinary procedures of the highest standard
   - Ensure management practices be carried out through fair and impartial personnel policies for recruitment, training, specialisation, promotion, and discipline

- Be based on a transparent structure that takes into consideration the multiple ethnic composition of the society and that can deal satisfactorily with gender related issues.

- Effectively manage personnel and resources within an affordable and appropriate institutional framework

- Standardize data recording and analysis systems to facilitate information sharing for operational planning and investigations, with a view to promoting a BiH-wide crime statistics system

- Develop police co-operation among all BiH police forces, including at inter-entity, inter-canton levels (building up of structures for coordination, exchange of information and confidence building)

- Undertake criminal investigations of corruption cases regardless of political implications

- Be capable of investigating and countering the full range of criminal activities, including organized crime and terrorism with a State level capability forming an effective part of the administration of justice, cooperating closely with the prosecution and operating within a reformed criminal justice system

- Develop, in close cooperation with SFOR, specialized information sharing in support of the state level capability and other appropriate authorities

- Possess capacity to respond to public disorder in accordance with modern police standards and without political or ethnic bias

- Enter into constructive co-operation with police services of neighbouring States (SAP States) and EU Member States.

III. Methodology :

5. It should be noted that the effectiveness of a EUPM pursuing a management approach will directly depend on the expertise of the personnel and ability to retain continuity and institutional memory. For this purpose, it is strongly recommended that qualified personnel is identified and each seconded for a minimum of one year.

6. In order to achieve the above-mentioned objectives by the end of 2005, the EUPM should:

- Co-locate the international police alongside Commanders at the various Entities, Public Security Centres (PSCs), Cantons, Brcko district, State Intelligence Protection Agency (SIPA) and State Border Service (SBS) at medium and senior levels of the BiH Police

- Be able to remove from offices non compliant officers, through a recommendation by the EU police Commissioner to the High Representative.

- Coordinate with the Office of the High Representative in the furtherance of the International Community overall objectives in the field of the rule of the law, as well as with other Organizations within the International Community, as appropriate

- Liaise with SFOR on public security issues including for ensuring SFOR support in extremis.

ANNEX II

EU POLICE MISSION IN BIH : CHAIN OF COMMAND

The structure of the EU Police Mission, as part of the broader EU Rule of law follow-up in Bosnia and Herzegovina, would have to include a unified EU chain of command, as a crisis management operation.

Without prejudice to the relevant provisions of the Dayton Agreement and its annexes:

- The Special Representative of the EU would report to the Council through the SG/HR,
- The PSC would provide the political control and strategic direction,
- The Police Commissioner would lead the mission and assume its day-to-day management,
- The Police Commissioner would report to the SG/HR through the Special representative,
- The SG/HR would give guidance to the Police Commissioner through the Special representative.

ANNEX III

EU POLICE MISSION IN BIH : CO-ORDINATION ARRANGEMENTS

1. The Council expressed its willingness to appoint the High Representative in Bosnia and Herzegovina as the European Union Special Representative in Bosnia and Herzegovina (EUSR). In doing so, the EU would convey a clear message that Bosnia and Herzegovina's future lies in integration into European structures, building on the Stabilization and Association process. He would maintain an overview of the whole range of activities in the field of the Rule of Law and in that context provide advice to the SG/HR and the Commission as necessary. The role of the EUSR would not in any way prejudge the mandate of the High Representative in Bosnia and Herzegovina, including his coordinating role with regard to the activities of all civilian organisations and agencies as set out in the Dayton Peace Agreement and subsequent Peace Implementation Council decisions. As part of his wider responsibilities, the EUSR would have authority to give direction, as necessary, to the police commissioner while reporting to the Council through the SG/HR. The PSC would exercise political control of and provide strategic direction to the EU Police mission. The PSC would be informed on a regular basis on all aspects of the mission, including through briefings by the EUSR and the Police Commissioner as necessary.

2 In order to ensure a successful follow-up to the UN IPTF in Bosnia and Herzegovina, the EU's aim must be a broad approach with activities addressing the whole range of Rule of Law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. To this end, coordination arrangements are required in both Sarajevo and Brussels.

3. An informal Joint Coordination Group would be set up in Sarajevo. It would include representatives of the EU Police Mission and of the Commission's Delegation in Sarajevo dealing with the CARDS programme. This group would meet regularly and exchange information on the planning and implementation of complementary projects, and bring anything requiring their attention to the notice of the Presidency, the SG/HR and the Commission in Brussels, and help define EU positions to be presented within the OHR Task Force on the Rule of Law.

4. Co-ordination in Brussels between the Council Secretariat and the Commission with involvement of the Presidency would continue to take place within an informal Task Force. In terms of presentation of progress reports to the Council and its bodies, the normal rules of representation and co-ordination would apply.

5. In accordance with the CARDS Council Regulation (EC) n° 2666/2000 of 5 December 2000, the Commission would consult the High Representative in Bosnia and Herzegovina on the implementation of Community assistance. The Commission would also ensure effective co-ordination of the Community's and Member States' assistance efforts and encourage co-ordination and co-operation with the IFI's, UN and other donors.

6. Neither the above arrangement, nor the possible double-hatting of the new High Representative in Sarajevo as an EUSR, would affect the continued responsibility, as set out in the Treaty, and emphasised in recent reports by the Court of Auditors, of the Commission for CARDS/First Pillar activities, which would not be subject to the chain of command of an ESDP-operation.

ANNEX IV

EU POLICE MISSION IN BIH : FINANCIAL ASPECTS

1. The costs of the operation are estimated at:
   - 14 million euro start-up costs (including equipment) for 2002
   - up to 38 million euro yearly running costs for 2003-2005, divided as follows
     - up to 17 million for per diem depending on the daily rate set and 1 million for travel costs
     - 11 million operational running costs, 4 million for local staff, 5 million for international civilian staff
   - salaries of seconded police officers and other possible secondees will be covered directly by sending states, including non EU-contributors.

2. The start-up costs at 14 million euro can be financed within the CFSP-budget 2002, taking into account the 10 million already foreseen and the possibility of redeployment between existing priorities within the CFSP budget 2002.

3. Regarding the yearly running of the operation, the Council agreed that the 17 million euro for per diems and the 1 million euro for travel costs will be financed on a costs lie where they fall basis. The remainder of 20 million euro should be financed through the CFSP-budget. With the present level of funding within the CFSP budget, 10 million euro annually could be assigned for the yearly running costs for the period 2003 – 2005. Therefore an increase in the CFSP-budget for the years 2003-2005 would be needed to cover the foreseen 10 million euro gap. The Commission stated that it will re-examine its budget proposals for 2003 in this light The Presidency will consult the European Parliament on this matter. During the whole budget procedure for 2003 the financing of the EUPM will be one of the Council's priorities.

4. Should the financing of the CFSP-budget not be sufficient, the Council would decide, in accordance with the provisions of the Treaty, how to cover any remaining gap, which would consist of common costs.

5. The financial arrangements will respect the operational requirements of EUPM, including compatibility of equipment and interoperability of its teams.

6. Establishing the financial arrangements for EUPM the Council notes the financial limits of the CFSP budget.

7. It is understood that the proposed financing arrangement will constitute no precedent for future ESDP-operations.

ANNEX V

EU POLICE MISSION IN BOSNIA-HERZEGOVINA : MODALITIES FOR CONTRIBUTION OF THIRD STATES

I. General Considerations

1. Taking into account the valuable contributions other States have made to IPTF, as well as the conclusions of the Nice and Göteborg European Councils, the Council decided that non EU States would be invited to contribute to an EU Police Mission in Bosnia-Herzegovina.

2. The Council decided that, in first instance, non-EU European NATO members and other candidate countries for accession to the EU as well as other non-EU OSCE Member States currently contributing to the IPTF would be invited to make offers of contributions.

3. The decision-making autonomy of the EU and the single institutional framework of the Union will be fully respected.

4. A significant majority of the police officers should be provided by EU member States. This also applies to other international staff. An early decision on the number/percentage of police officers to be provided by EU member States will be taken and third States briefed in order to guide their possible contributions.

II. Consultations

5. Contacts with the agreed range of third countries would immediately be established in order to inform them and to have a clear picture of their interest and potential contributions.

6. For the non-EU NATO members and other countries which are candidates for accession to the EU, Annex II of Göteborg provides that the EU+15 format could serve "for consultation, in view of possible contributions to a mission, in the period leading up to a decision of the Council to launch a police operation".

7. Some third States not part of the 15 already make valuable contributions to the IPTF mission. Annex II of Göteborg provides that "in order to facilitate co-operation in this field with a broad range of potential partners, i.a. Russia, Ukraine, other European States with which the Union maintains political dialogue, and other interested States such as Canada, police could be included in the dialogue, co-operation and consultation on ESDP issues with the countries concerned within the framework of existing arrangements".

8. Building upon arrangements established in Göteborg, consultations would be conducted by PSC with the identified potential contributors. Informal contacts of Presidency/Secretariat with these States, individually or collectively, will take place as necessary, in particular to ensure follow-up of meetings (information, precision on their potential contribution to personnel and financing,...).

9. Potential contributors would be provided with information on the approximate share of the mission staff open to contributions from third States as well as the required profile of this staff. For this purpose, EU member States should, as a matter of highest priority, decide on the size and character of the contributions they are ready to make to the Police Mission. This would require as a first step that the profiles of the staff required be established urgently by the Head of the planning team. When there are firm indications on what contributions EU member States would make to the mission, the Head of the planning team would identify the number and type of personnel expected from third States, and inform them accordingly. At this stage of the process there might be a need for intensification of contacts in the appropriate format, in particular at expert level, with third States.

10. The contributions offered by third States would be assessed on the basis of requirements set by the EU for this specific mission. Contributions offered by third States would have to fit those criteria. Subsequently, the EU would decide to accept the offers considered appropriate.

11. Future contributors from third States would be invited, as appropriate, to briefings at expert level (in Brussels or on the ground, depending on the actual location of the planning team) in order to inform them of how the preparation is proceeding and to allow them to adequately prepare their respective national contributions to the EU Police Mission. As needed, the Head of the planning team would participate in those meetings.

III. Operational Phase

12. According to annex II of Göteborg,"Third States, which are making significant contributions to the EU mission, will have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation".

13. Micro-management of the EU Police Mission from Brussels should be avoided. In view of this, involvement in day-to-day management of the operation of third States which make significant contributions should take place on the ground, including within the police mission HQ, and taking into account, inter alia, relevant lessons learned from EUMM.

14. When the need arises, experts meetings could be held in Brussels. During the course of the operation the PSC may conduct consultations with representatives of third States which make contributions to the mission.

15. The decision by the EU to end the operation will be made following consultation with the contributing States."